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October 2, 2013

BY ECF

The Honorable Robert P. Patterson
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Levin v. Bank of New York, *et al.*
Docket No.: 09 Civ. 5900 (RPP)
Our File No.: 375.0026

Dear Judge Patterson:

We represent the third-party defendant identified as "CB" in the Court's September 19, 2013 Opinion and Order in this matter.

We have been advised that the plaintiffs and third-party defendant judgment creditors (collectively, the "Judgment Creditors") are preparing to submit a proposed judgment pursuant to the Court's September 19, 2013 Opinion and Order, which granted the Judgment Creditors' motion for summary judgment with respect to the Phase II assets. The CB has not been provided with any draft of this proposed judgment. Inasmuch as the Phase II assets include property in which the CB has an interest, we respectfully request that the Court delay entering the judgment until after we have a reasonable opportunity to review the proposed judgment and submit any comments we may have.

We thank the Court for its consideration of this matter.

Respectfully submitted,

BROWN GAVALAS & FROMM LLP

David H. Fromm

cc: All Counsel (By ECF)